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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

Attorney Docket No. 62-659

In re patent application of Member

Group Art Unit: 1616

Serial No. 09/319,541

Examiner: Shahnam Sharareh

Filed: 8/19/99

For: PREPARATION IN FORM OF A MATRIX-AUXILIARY AGENT COMPOUND  
CONTAINING OPTIONALLY AN ACTIVE SUBSTANCE

December 4, 2001

AMENDMENT AND RESPONSE

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the final Office Action dated June 5, 2001, please amend the subject application as follows. This Amendment and Response is properly submitted along with a Request for Continued Examination. Applicants have requested a 3 month suspension of action and the requisite fee is enclosed.

IN THE CLAIMS:

Please delete claims 12, 17 and 18 without prejudice.

Please add new claims 26 - 30 as follows:

26. A process for the production of a formulation in the form of a matrix material-containing compound comprising an excipient phase comprising at least one excipient; an active substance phase comprising at least one active substance; and a matrix material phase comprising at least one polymer or lipid, wherein the formulation is in the form of a freely flowable powder of spray-dried particles in which the matrix material phase is incoherent and the excipient and active substance phases are coherent, and the formulation provides controlled-release properties when directly compressed, wherein the process comprises:
- creating a dispersion of the matrix material in an aqueous phase or water-containing phase;
  - adding the at least one excipient to the dispersion;